

Senate Bill No. 1071

Passed the Senate May 5, 1997

Secretary of the Senate

Passed the Assembly July 3, 1997

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor

└

CHAPTER ____

An act to amend Sections 203 and 205.5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1071, Polanco. Compensation: agricultural employees.

Existing law provides specific penalties for failure to pay wages when due. These penalties do not apply for failure to pay agricultural employees, as defined.

This bill would apply these penalties for failure to pay agricultural employees.

Under existing law, an employee who quits his or her employment after providing a 72-hour notice is generally entitled to immediate payment and an employee who quits without providing notice is generally entitled to payment within 72 hours.

This bill would apply this provision to agricultural employees.

The people of the State of California do enact as follows:

SECTION 1. Section 203 of the Labor Code is amended to read:

203. If an employer willfully fails to pay, without abatement or reduction, in accordance with Sections 201, 201.5, 202, and 205.5, any wages of an employee who is discharged or who quits, the wages of the employee shall continue as a penalty from the due date thereof at the same rate until paid or until an action therefor is commenced; but the wages shall not continue for more than 30 days. An employee who secretes or absents himself or herself to avoid payment to him or her, or who refuses to receive the payment when fully tendered to him or her, including any penalty then accrued under this section, is not entitled to any benefit under this section for the time during which he or she so avoids payment.



Suit may be filed for these penalties at any time before the expiration of the statute of limitations on an action for the wages from which the penalties arise.

SEC. 2. Section 205.5 of the Labor Code is amended to read:

205.5. All wages, other than those mentioned in Sections 201 and 202, earned by any agricultural employee, as defined in Section 1140.4, are due and payable twice during each calendar month, on days designated in advance by the agricultural employer as the regular paydays. Labor performed between the 1st and the 15th days, inclusive, of any calendar month shall be paid between the 16th and the 22nd day of the month during which the labor was performed. Labor performed between the 16th and the last day, inclusive, of any calendar month shall be paid between the first and the seventh day of the following month. Agricultural employees, as used in this section, shall not include those employees who are covered by Section 205.

Approved _____, 1997

Governor

